

H Heritage

ARTICLE XX - H HERITAGE DISTRICTS

PREAMBLE

The "H" Heritage District is intended to permit land uses which promote a historic atmosphere, cultural and educational values, stabilize and improve property values, foster community beauty and pride by permitting the following land uses.

SECTION 2000: PRINCIPAL USES PERMITTED

In an H Heritage District no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. One (1) and two (2) family dwellings.
2. Churches and other facilities normally incidental thereto subject to the following conditions:
 - a. The site shall be so located as to provide for ingress and egress from said site directly onto a major or secondary thoroughfare.
 - b. The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than thirty (30) feet.
 - c. Buildings of greater than the maximum height allowed in Section 2100 may be allowed provided front, side, and rear yards are increased above the minimum requirements by one (1) foot for each door of building that exceeds the maximum height required.
3. Adult Foster Care Family Homes, provided that such facilities shall be at least one thousand five hundred (1,500) feet from any other similar facility. [amended 11/02]
4. Home occupations of a non-industrial nature may be permitted. Permissible home occupations include, but are not limited to the following: [amended 11/02]
 - a. Art and craft studios, lessons may be given to one client at a time
 - b. Hair and nail salons, limited to one client at a time
 - c. Dressmaking and tailoring
 - d. Tutoring, limited to one student at a time

- e. Typing or clerical services
- f. Teaching of music or dancing or similar instruction, limited to one client at a time
- g. Offices located within the dwelling for a writer, consultant, member of the clergy, lawyer, physician, architect, engineer or accountant, limited to one client/family at a time.
- h. All home occupations are subject to the following:
 - i) The businessperson operating the home occupation shall reside in the dwelling and only members of the immediate family residing on the premises may be employed.
 - ii) The business shall have a local business license and any other appropriate licensing or registrations required by local, state or federal law.
 - iii) No equipment or process shall be used in home occupations which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises or causes fluctuations in the line voltage off the premises.
 - iv) Explosives, flammable liquids or combustible liquids shall only be used in compliance with the applicable fire and building codes.
 - v) Activities involving kilns or welding equipment shall comply with the applicable fire and building codes.
 - vi) The outside appearance of the premises shall have no visible evidence of the conduct of a home occupation.
 - vii) Home occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.
 - viii) All activity must be conducted within a preexisting structure. The home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings.
 - ix) There shall be no exterior display or signage other than that signage allowed for home occupations under the sign requirements of this ordinance. [amended 11/00]
 - x) No goods shall be kept, or sold which are made or assembled off-site, except as incidental to services rendered.

- xi) The primary function of the premises shall be that of the residence of the family, and the occupation shall not exceed twenty-five (25) percent of the principal building.
- xii) There shall be no outside storage or processing.
- xiii) The home occupation shall not involve the routine use of commercial vehicles for delivery of materials to and from the premises. There shall be no commercial vehicles associated with the home occupation, nor parking of more than one (1) business car, pickup truck or small van on the premises.
- xiv) Activities specifically prohibited (but not limited to) include:
 - (1) A service or repair of motor vehicles, appliances and other large equipment
 - (2) A service or manufacturing process which would normally require industrial zoning
 - (3) A commercial food service requiring a license
 - (4) A limousine service
 - (5) A lodging service including but not limited to, a tourist home, motel or hotel
 - (6) A tattoo parlor
 - (7) An animal hospital or kennel
 - (8) A lawn service
- xv) No activity legally excluded by any deed restriction or other tenant or owner restrictions shall be permitted.

5. In addition, for those lots abutting Western Avenue between Fourth and Ninth Streets only, the following uses are permitted:

- a. Any generally recognized retail business which supplies commodities such as: groceries, meats, dairy products, baked goods or other foods, drugs, drygoods, and notions or hardware.
- b. Personal service establishments such as: shoe repair, dry cleaning shops, tailor shops, beauty parlors, barber shops, banks and savings and loan offices, pharmacist and laboratories, or any service establishment of an office-showroom

or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, printer, upholsterer, appliance repair, photographic reproduction, and similar establishments that require a retail character no more objectionable than the aforementioned.

- c. Restaurants, or other places serving food.
 - d. Professional offices of doctors, lawyers, dentists, chiropractors, architects, engineers, accountants, and similar or allied professions. Offices may be permitted for similar or allied professions. Offices may be permitted for applied technology, light technological research, research and development facilities with laboratories, but no industrially oriented production facilities shall be permitted.
 - e. Office buildings for any of the following types of occupations: executive, administrative and professional.
- 6. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.
 - 7. Uses similar to the above Principal Uses Permitted.

SECTION 2001: SPECIAL LAND USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after review of the Historic District Commission, and after Public Hearing, subject to the applicable conditions and any other reasonable conditions imposed by the Planning Commission:

- 1. Retail business or service establishments as Principal Uses Permitted in the B-1 District, subject to the regulations of this District.
- 2. Restaurants, lounges and clubs, except drive-in restaurants.
- 3. Craft shops.
- 4. Offices and clinics of physicians, dentists, architects, engineers, attorneys, accountants, and similar professions.
- 5. Outdoor displays.
- 6. Hotels and motels.
- 7. Private clubs, lodge halls, social, and similar organizations, including assembly or rental halls. [amended 4/06]

8. Indoor Theaters [amended 4/06]
 - a. Parking must be either on site or with an irrevocable shared parking agreement.
9. Antique Shops. [amended 4/06]
10. Multiple family residential uses of various types and densities provided, however, that any existing structure originally constructed for one or two family use shall not be further divided into additional dwelling units unless it can be demonstrated to the satisfaction of the Historic District Commission and the Planning Commission that the essential form and integrity of the structure and its site and surroundings can be maintained. Any new multiple family construction shall be compatible and/or complementary to the character of the surrounding area as determined by the Historic District Commission and the Planning Commission. Multiple family uses as described under this subsection may be allowed as part of a building containing other allowable Principal or Special Uses in this district.
11. Accessory buildings and accessory uses customarily incidental to the above Special Land Uses Permitted.
12. Uses similar to the above Special Land Uses Permitted.

SECTION 2002: PLANNED UNIT DEVELOPMENTS

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the H Heritage Districts is to allow mixed land uses, which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with residential dwellings.

SECTION 2003: AREA AND BULK REQUIREMENTS [amended 4/00]

1. Minimum lot size: 4,000 sq. feet.
2. Maximum lot coverage:
 - Buildings: 100%
 - Pavement: 25%
3. Lot width: 30 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).
4. Width to depth ratios: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.
5. Height limit:
 - Maximum height: 6 stories or 90 feet
 - Minimum height: 2 stories or 35 feet.

Minimum heights are in the form of an "overlay district" on the following street corridors:

Western Avenue; from Ninth Street to Pine Street.

Clay Avenue; from Seventh Street to Fourth Street.

Pine Street; from Western Avenue to Apple Avenue.

Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-4).

6. Front Setbacks: [amended 1/05]

Minimum:

Expressway or Arterial Street: 30 feet

Collector or Major Street: 20 feet

Minor Street: 10 feet

Note: For minimum front setbacks new principal structures on minor streets may align with existing principal structures in the immediate area even if the setback is below the minimum required.

7. Rear setback: 10 feet

8. Setback from the ordinary high water mark or wetland: 75 feet (principal structures only).

9. Side setbacks: no requirement

Note, setback measurement: All required setbacks shall be measured from the right-of-way line to the nearest point of the determined drip line of buildings. [amended 10/02]

10. Zero lot line option: New principal buildings may be erected on the rear lot line provided: [amended 10/02]

- a. The building has an approved fire rating for zero-lot line development under the building code.
- b. The building has adequate fire access preserved pursuant to fire code requirements.
- c. The zero lot line side is not adjacent to a street.

- d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
 - e. It is not adjacent to wetlands, or waterfront.
11. All required side and rear setbacks shall be landscaped, greenbelt buffers, unless zero-lot-line is employed for a structure or fire access. At least fifty percent of all required front setbacks shall be landscaped and adjacent to the road right-of-way. An average minimum greenbelt of 10 feet shall be maintained along each street frontage. [amended 12/01, amended 10/02]